



Senate

General Assembly

File No. 139

January Session, 2015

Substitute Senate Bill No. 1006

Senate, March 19, 2015

The Committee on Children reported through SEN. BARTOLOMEO of the 13th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING VOLUNTARY SERVICES WITHIN THE
DEPARTMENT OF CHILDREN AND FAMILIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-11 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) The commissioner may, in the commissioner's discretion, admit
4 to the department on a voluntary basis any child or youth who, in the
5 commissioner's opinion, could benefit from any of the services offered
6 or administered by, or under contract with, or otherwise available to,
7 the department. Application for voluntary admission shall be made in
8 writing by the parent or guardian of a child under fourteen years of
9 age or by such person himself or herself if he or she is a child fourteen
10 years of age or older or a youth. The fact that a parent has applied for
11 services or received services for his or her child through voluntary
12 admission shall not be used against the parent (1) in any investigation
13 conducted by the department in accordance with section 17a-101g, (2)

14 when making placement decisions for the child, (3) when making
15 foster care licensing determinations in accordance with section 17a-
16 114, or (4) in any court proceeding related to the placement of a minor
17 relative of the parent.

18 (b) A child or youth voluntarily admitted to the department shall be
19 deemed to be within the care of the commissioner until such admission
20 is terminated. The commissioner shall terminate the admission of any
21 child or youth voluntarily admitted to the department within ten days
22 after receipt of a written request for termination from a parent or
23 guardian of any child under fourteen years of age or from a child if
24 such child is fourteen years of age or older, or youth, unless prior to
25 the expiration of that time the commissioner has sought and received
26 from the Superior Court an order of temporary custody as provided by
27 law. [The] Except as provided in subsection (i) of this section, the
28 commissioner may terminate the admission of any child or youth
29 voluntarily admitted to the department after (1) giving reasonable
30 notice in writing to (A) the parent or guardian of any child [under
31 fourteen years of age and to a child] or youth, and (B) the child if such
32 child is fourteen years of age or older, [and to any] or youth, and (2) if
33 the commissioner has previously petitioned the probate court pursuant
34 to subsection (c) of this section, providing notice to the court of such
35 petition. Any child or youth admitted voluntarily to the department
36 may be placed in, or transferred to, any resource, facility or institution
37 within the department or available to the commissioner except the
38 Connecticut Juvenile Training School, provided the commissioner shall
39 give written notice to such child or youth and to the parent or
40 guardian of the child of the commissioner's intention to make a
41 transfer at least ten days prior to any actual transfer, unless written
42 notice is waived by those entitled to receive it, or unless an emergency
43 commitment of such child or youth is made pursuant to section 17a-
44 502.

45 (c) Not more than one hundred twenty days after admitting a child
46 or youth on a voluntary basis, the [department] commissioner shall
47 petition the probate court for the district in which a parent or guardian

48 of the child or youth resides for a determination as to whether
49 continuation [in] of care is in the child's or youth's best interest and, if
50 so, whether there is an appropriate case service or permanency plan in
51 place for such child or youth. A case service plan shall be required for
52 all children and youths receiving services voluntarily from the
53 department who are not in an out-of-home placement. A permanency
54 plan shall be required for all children and youths voluntarily admitted
55 to the department and placed by the department in a foster home
56 licensed pursuant to section 17a-114 or a facility licensed pursuant to
57 section 17a-145. Upon receipt of such [application] petition, the court
58 shall set a time and place for a hearing to be held within thirty days of
59 receipt of the [application] petition, unless continued by the court for
60 cause shown. The court shall order notice of the hearing to be given by
61 first class mail at least five days prior to the hearing to the
62 Commissioner of Children and Families, and by first class mail at least
63 five days prior to the hearing to the parents or guardian of the child or
64 youth and [the minor, if over twelve] the child, if such child is fourteen
65 years of age or older, or youth. If the whereabouts of the parent or
66 guardian are unknown, or if delivery cannot reasonably be effected,
67 then notice shall be ordered to be given by publication. In making its
68 determination as to whether there is an appropriate case service plan
69 for a child or youth, the court shall consider the items specified in
70 subsection [(d)] (e) of this section. In making its determination as to
71 whether there is an appropriate permanency plan for a child or youth,
72 the court shall consider the items specified in subsection (f) of this
73 section. The court shall possess continuing jurisdiction in proceedings
74 under this section.

75 (d) (1) If the child or youth is not in an out-of-home placement, the
76 commissioner may file periodic motions for review of the case service
77 plan, except the commissioner, the parents or guardian of the child or
78 youth or the child, if such child is fourteen years of age or older, or
79 youth, may compel the court to conduct a hearing to review the case
80 service plan. The court may conduct a hearing on its own motion to
81 review the case service plan for a child or youth who is not in an out-
82 of-home placement if the court determines that imminent concerns

83 regarding the health and safety of the child or youth exist. Not later
84 than ten days prior to the date of such hearing, the court shall provide
85 notice to the commissioner, the parents or guardian of the child or
86 youth and to the child, if such child is fourteen years of age or older, or
87 youth, of the time and place of such hearing. In making its
88 determination as to whether there is an appropriate case service plan
89 in place, the court shall consider the items specified in subdivision (2)
90 of this subsection.

91 (2) At a hearing on a motion to review a case service plan for a child
92 or youth who is not in an out-of-home placement, the court shall
93 approve a case service plan that is in the best interests of the child or
94 youth. The health and safety of the child or youth shall be of
95 paramount concern in formulating such plan. At such hearing, the
96 court shall consider among other things: (A) The appropriateness of
97 the department's plan for service to the child or youth and his or her
98 family; (B) the treatment and support services that have been offered
99 and provided to the child or youth to strengthen the family; and (3)
100 any further efforts which have been or will be made to promote the
101 best interests of the child or youth. At the conclusion of the hearing,
102 the court may: (i) Direct that the services being provided be continued
103 if the court determines that continuation of the child or youth in
104 services is in the child's or youth's best interests, or (ii) direct that the
105 child's or youth's services be modified to reflect the child's or youth's
106 best interest.

107 [(d) (1)] (e) Ten months after admitting a child or youth on a
108 voluntary basis and annually thereafter if the child or youth remains in
109 the custody of the commissioner and remains placed in a foster home
110 licensed pursuant to section 17a-114 or a facility licensed pursuant to
111 section 17a-145, the commissioner shall file a motion for review of a
112 permanency plan. A hearing on such motion shall be held not later
113 than thirty days after the filing of such motion. [The] Not later than ten
114 days prior to the date of such hearing, the court shall provide notice to
115 the commissioner, the parents or guardian of the child or youth and
116 [such child's or youth's parent or guardian of the time and place of the

117 hearing on such motion not less than ten days prior to the date of such
118 hearing] to the child, if such child is fourteen years of age or older, or
119 youth, of the time and place of such hearing. In making its
120 determination as to whether there is an appropriate permanency plan
121 in place, the court shall consider the items specified in subsection (f) of
122 this section.

123 [(2)] (f) (1) At a [permanency hearing held in accordance with the
124 provisions of subdivision (1) of this subsection] hearing to review a
125 permanency plan for a child or youth who is placed in a foster home
126 licensed pursuant to section 17a-114 or facility licensed pursuant to
127 section 17a-145, the court shall approve a permanency plan that is in
128 the best interests of the child or youth and takes into consideration the
129 child's or youth's need for permanency. The health and safety of the
130 child or youth shall be of paramount concern in formulating such plan.
131 At such hearing, the court shall consider among other things: (A) The
132 appropriateness of the department's plan for service to the child or
133 youth and his or her family; (B) the treatment and support services that
134 have been offered and provided to the child or youth to strengthen
135 and reunite the family; (C) if return home is not likely for the child or
136 youth, the efforts that have been made or should be made to evaluate
137 and plan for other modes of care; and (D) any further efforts which
138 have been or will be made to promote the best interests of the child or
139 youth.

140 [(3)] (2) The permanency plan [pursuant to subdivision (2) of this
141 subsection] may include the goal of (A) placement of the child or youth
142 with the parent or guardian, (B) transfer of guardianship, (C) long-
143 term foster care with a relative licensed as a foster parent or certified as
144 a relative caregiver, (D) termination of parental rights and adoption, or
145 (E) such other planned permanent living arrangement ordered by the
146 court provided the commissioner has documented a compelling reason
147 why it would not be in the best interest of the child or youth for the
148 permanency plan to include the goals in subparagraphs (A) to (D),
149 inclusive, of this subdivision. Such other planned permanent living
150 arrangement may include, but not be limited to, placement of a child

151 or youth in an independent living program or long-term foster care
152 with an identified foster parent.

153 ~~[(4)]~~ (3) At a [permanency] hearing on a motion to review a
154 permanency plan, the court shall review the status of the child or
155 youth and the progress being made to implement the permanency
156 plan, determine a timetable for attaining the permanency prescribed
157 by the plan and determine whether the commissioner has made
158 reasonable efforts to achieve the permanency plan. At the conclusion
159 of the hearing, the court may: (A) Direct that the services being
160 provided, or the placement of the child or youth and reunification
161 efforts, be continued if the court, after hearing, determines that
162 continuation of the child or youth in services or placement is in the
163 child's or youth's best interests, or (B) direct that the child's or youth's
164 services or placement be modified to reflect the child's or youth's best
165 interest.

166 ~~[(e)]~~ (g) The commissioner shall adopt regulations in accordance
167 with chapter 54 [describing the documentation required for]
168 concerning (1) applications for voluntary admission, [and for] (2) the
169 grant or denial of services, (3) informal administrative case review,
170 [upon request, of any denial of an application for voluntary admission]
171 and (4) termination of voluntary admission.

172 ~~[(f)]~~ (h) Any person aggrieved by a decision of the commissioner
173 denying voluntary services may appeal such decision through an
174 administrative hearing held pursuant to chapter 54.

175 (i) Any parent or guardian of a child or youth or any child, if such
176 child is fourteen years of age or older, or youth, who is aggrieved by a
177 termination of admission pursuant to subsection (b) of this section may
178 (1) request an administrative hearing in accordance with the
179 regulations adopted by the commissioner pursuant to subsection (g) of
180 this section, or (2) request a hearing before the probate court. If, upon
181 such hearing, the probate court finds that the termination of admission
182 was made in accordance with the applicable regulations adopted by
183 the commissioner, the court shall uphold such termination. If the court

184 finds that the termination of admission was not made in accordance
185 with the applicable regulations, the court may order the continuation
186 of services and specify a time for the determination of a new case
187 service or permanency plan.

188 [(g)] (j) Notwithstanding any provision of sections 17a-1 to 17a-26,
189 inclusive, and 17a-28 to 17a-49, inclusive, any person already under the
190 care and supervision of the Commissioner of Children and Families
191 who has passed such person's eighteenth birthday but has not yet
192 reached such person's twenty-first birthday may be permitted to
193 remain voluntarily under the supervision of the commissioner,
194 provided the commissioner, in the commissioner's discretion,
195 determines that such person would benefit from further care and
196 support from the Department of Children and Families. Any person
197 remaining voluntarily under the supervision of the commissioner
198 pursuant to this subsection shall be entitled to a written plan for care
199 and treatment, and review of such plan, in accordance with section
200 17a-15.

201 [(h)] (k) Upon motion of any interested party in a Probate Court
202 proceeding under this section, the probate court of record may transfer
203 the file for cause shown to a probate court for a district other than the
204 district in which the initial or permanency hearing was held. The file
205 shall be transferred by the probate court of record making copies of all
206 recorded documents in the court file, certifying each of them, and
207 delivering the certified copies to the probate court to which the matter
208 is transferred.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2015	17a-11
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Statement of Legislative Commissioners:

In lines 89 and 90, the reference to "subsection (e) of this section" was changed to "subdivision (2) of this subsection" for accuracy.

KID *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill outlines the requirements of the Probate Court when reviewing service plans for children receiving voluntary services from the Department of Children and Families and does not result in a fiscal impact.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**SB 1006*****AN ACT CONCERNING VOLUNTARY SERVICES WITHIN THE DEPARTMENT OF CHILDREN AND FAMILIES.*****SUMMARY:**

By law, the Department of Children and Families (DCF) may provide “voluntary services” (i.e., admit voluntarily to DCF care) to children and youths (children age 16 or 17) living (1) at home or (2) in a foster home or other licensed DCF facility (“out-of-home”). This bill allows (1) youths, (2) children age 14 and older, and (3) parents or guardians of children of youths, to request a probate court hearing when DCF decides to terminate those services. It also allows them or the DCF commissioner, when the children or youths are receiving voluntary services at home, to compel a probate court hearing on the adequacy of their treatment plans.

The bill:

1. specifies what the probate court must consider in reviewing case service plans for children receiving voluntary services at home;
2. requires the DCF commissioner to adopt additional regulations on voluntary admission to DCF services;
3. adds the commissioner to the list of people the court must notify at least 10 days before a permanency plan hearing for children or youths receiving voluntary services out-of-home; and
4. makes minor and conforming changes.

EFFECTIVE DATE: October 1, 2015

CASE SERVICE AND PERMANENCY PLANS

By law, the DCF commissioner may admit to the department, on a voluntary basis, a child or youth who, in her opinion, would benefit from DCF services. Youths, children age 14 or older, and parents or guardians of children under age 14, may apply for voluntary admission. The children or youths may receive these services at home or out-of-home.

By law, no later than 120 days after the voluntary admission, the commissioner must petition the probate court in the district where the child or youth lives to determine if continued care is in his or her best interest and, if so, whether there is an appropriate case service or permanency plan in place. (The law requires a case service plan for a child receiving voluntary services at home and a permanency plan for a child receiving out-of-home voluntary services.)

Current law requires the probate court to send notice of a hearing on a case service or permanency plan, at least five days before the hearing, to a child's parents or guardians and the children themselves, if age 12 or older. The bill retains the notice requirement for a child's parents or guardians but increases the age at which children receive notice directly from 12 to 14. It makes a conforming change by explicitly stating that the court send this notice to youths (children ages 16 and 17).

Existing law requires the commissioner to request a probate court hearing on the appropriateness of a permanency plan for children and youths receiving out-of-home services annually, beginning 10 months after admission, and specifies what the court must consider in making that determination. The bill similarly allows the commissioner, children age 14 and older, and others to compel a hearing on the appropriateness of a case service plan for in-home services, and specifies what the court must consider in making that determination.

Review of Case Service Plans

The bill allows (1) the commissioner to file periodic motions for probate court review of the case service plan of a child or youth and (2)

the commissioner; parents or guardians of a child or youth; child, if 14 or older, or youth, to compel the probate court to conduct a hearing to review a case service plan.

Under the bill, the court also may conduct such a hearing on its own if it finds “imminent concerns” for the health or safety of a child or youth. The court must notify the commissioner, child or youth, or the child’s or youth’s parents or guardians, as appropriate, of the time and place of the hearing at least 10 days before the hearing takes place.

Factors the Court Must Consider in Reviewing Case Service Plans

The court must approve a case service plan that is in the child’s or youth’s best interests. The child’s or youth’s health and safety must be the court’s primary concern in formulating the plan. At the hearing, the court must consider:

1. the plan’s appropriateness for the child or youth, and his or her family;
2. the treatment and support services offered and provided the child or youth to strengthen the family; and
3. any further efforts that have been or will be made to promote the best interests of the child or youth.

At the end of the hearing, the court may direct services to be (1) continued or (2) modified to reflect the child’s or youth’s best interests.

TERMINATION OF VOLUNTARY ADMISSION

Current law requires the commissioner to give reasonable written notice to a child, youth, or his or her parents or guardian, as appropriate, when she decides to terminate the admission of a voluntarily admitted child or youth. The bill requires her to also notify the probate court in these circumstances if she has previously petitioned the court to determine if continued voluntary services are in the child’s or youth’s best interest.

Hearing on Terminated Admissions

The bill sets out a hearing process for individuals who believe they are harmed by a DCF decision to terminate voluntary services. It allows parents or guardians of a child under age 14, a youth, or a child age 14 or older, to seek (1) an administrative hearing according to regulations the commissioner adopts under the bill (see below) or (2) a probate court hearing.

If the latter, and the probate court finds DCF terminated voluntary services according to DCF's regulations, the court must uphold the termination. If the court finds DCF did not terminate the services according to its regulations, it may order that services continue, and specify a time to determine a new case service plan (for people receiving services at home) or permanency plan (for people receiving out-of-home services).

ADOPTION OF REGULATIONS

Current law requires the commissioner to adopt regulations (1) on the documentation required for voluntary admission and (2) for informal administrative case review, on request, of denials of applications for voluntary admission.

The bill expands the regulations that the commissioner must adopt related to voluntary admission, to include (1) granting or denying voluntary services and (2) termination of voluntary admission. It expands the requirement that the regulations address informal administrative case review to include review of all cases, regardless of whether the review has been requested.

COMMITTEE ACTION

Committee on Children

Joint Favorable

Yea 13 Nay 0 (03/05/2015)